

Message Text

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ACTION EA-10

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-03 H-02 INR-07 L-03

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 IO-10

DHA-02 AID-05 HEW-02 (ISO) W

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R 300925Z JUL 75

FM AMEMBASSY MANILA

TO SECSTATE WASHDC 5963

C O N F I D E N T I A L MANILA 10438

E.O. 11652: GDS

TAGS: PINT, RP

SUBJECT: HUMAN RIGHTS, SENATOR AQUINO

REF: (A) STATE 178679 (B) MANILA 9314

1. THERE HAS BEEN NO RPT NO DECISION TO TRY AQUINO BEFORE MILITARY COURT. PRESUMABLY MARCOS IS STILL MULLING OVER WHAT NEXT STEP WILL BE.

2. DEPUTY PC COMMANDER GENERAL CAMPOS TOLD EMBOFF JULY 30 THAT AS FAR AS HE AWARE MARCOS HAD NOT MADE DECISION ON CIVIL OR MILITARY COURT TRIAL. CAMPOS OPINED THAT FROM PR STANDPOINT HE THOUGHT CIVILIAN TRIAL WOULD BE PREFERABLE.

3. SENATOR SALONGA RECENTLY TOLD EMBOFF THAT IF AQUINO WERE TRIED (SALONGA WAS NOT CONVINCED TRIAL WOULD ACTUALLY TAKE PLACE) MARCOS WOULD PROBABLY OPT FOR CIVIL TRIAL SINCE IT WOULD BE EASY ENOUGH FIND COMPLIANT COURT OF FIRST INSTANCE WHERE RESULT WOULD BE GUARANTEED, BUT CASE COULD EVENTUALLY END UP IN SUPREME COURT ON APPEAL.

4. COMMENT: WE WOULD RATHER NOT SPECULATE ON WHETHER OR WHEN AQUINO WILL BE TRIED OR ON WHICH COURT WOULD HEAR HIS CASE. MARCOS WHO IS ONLY ONE WHO WILL DECIDE SEEMS UNCERTAIN
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HIMSELF. DEPARTMENT WILL RECALL MARCOS TOLD AMBASSADOR

LAST MAY 21 THAT THERE WOULD BE "SOLUTION" IN AQUINO
CASE "FAIRLY SOON" (MANILA 6988). SOLICITOR GENERAL'S
ARGUMENT (REF B) THAT AQUINO MUST BE TRIED IN ORDER TO
SHOW MARCOS RIGHT IN DETAINING HIM APPEARS TO BE PREVAILING
CONVENTIONAL WISDOM. NEVERTHELESS, TRIAL, CIVIL OR MILITARY,
WILL PROVIDE AQUINO PROPAGANDA FORUM AND MARCOS OBVIOUSLY
FINDS THIS PROSPECT DISTASTEFUL. IT IS POSSIBLE THAT
IF MARCOS DETERMINES INTEREST IN AQUINO CASE HAS WANED,
HE MAY SIMPLY CONTINUE TO DETAIN HIM AND MOVE TOWARD
TRIAL ONLY WHEN INTEREST IN AQUINO REVIVES.
SULLIVAN

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